

M. ROBERT KESTENBAUM, LLC
PATENT AND TRADEMARK MATTERS

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TO:	FROM:
Examiner Adi Amrany - Art Unit 2836	M. Robert Kestenbaum
COMPANY:	DATE:
Commissioner for Patents	12/31/2008
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(571) 273 8300	4
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
(571) 272 0415	(H) 01PH0405USP (Grewe)
RE:	YOUR REFERENCE NUMBER:
RCE with Fee	10/018,980

NOTES/COMMENTS:

Dear Examiner Amtany:

I am submitting this RCE (1 page) in response to the Office Action mailed 07/01/2008, together with a request for a second and third month extension of time to respond to the outstanding office action. An Amendment after Final Action and request for the first month extension of time was submitted and paid for on 10/29/2008. PTO 2038 is included herewith to cover the \$980 second and third month extension fees, as well as the RCE fee of \$810, for a total of \$1,790 to be charged to the credit card.

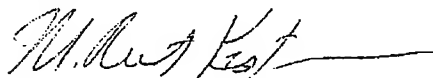
If any ADDITIONAL claims are due, please charge them to the deposit account. A general authorization to charge the deposit account is on file in the application file.

We respectfully believe that the claim amendments and arguments set forth herein place the claims in condition for allowance.

We look forward to your feedback on this submission.

Thank you for considering this submission.

Sincerely,



M. Robert Kestenbaum
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PTO/SB/30 (01-08)

Approved for use through 06/30/2008. OMB 0651-0031

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**Request
For
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Alexandria, VA 22313-1450

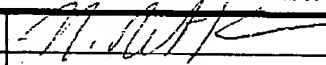
Application Number	10/018,980
Filing Date	06/06/2002
First Named Inventor	Grew
Art Unit	2836
Examiner Name	Adi Amrany
Attorney Docket Number	(H)01PH0405USP

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☐ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments to Deposit Account No. _____. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

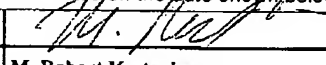
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	12/31/2008
Name (Print / Type)	M. Robert Kestenbaum	Registration No.	20,430

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	12/31/2008
Name (Print / Type)	M. Robert Kestenbaum		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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